

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JAN 22 2003

OFFICE OF  
MANAGING DIRECTOR

Mr. Robert Goldstein  
General Counsel  
WEYS Television Corp.  
2539 North Highway 67  
Post Office Box 348  
Sedalia, Colorado 80135

RE: Request for Reduction of  
Regulatory Fee for FY 2002  
Fee Control No. 00000RROG-03-041  
Fee Paid \$1,075.00

Dear Mr. Goldstein:

This is in response to your request dated September 24, 2002 for partial waiver and reduction of the Fiscal Year 2002 (FY 2002) regulatory fees, filed on behalf of WEYS Television Corporation, licensee of WEYS(TV), Key West, Florida (WEYS). Your request for partial waiver and reduction of regulatory fees for FY 2002 was filed with a check for \$1075.00, the regulatory fee amount for a remaining market. The FY 2002 regulatory fee established for WEYS is \$10,300, based on its presence in the 15<sup>th</sup> DMA, Miami.

In your petition, you argue that the Bureau formerly known as the Cable Services Bureau granted the requests of several cable television systems throughout the Miami-Ft. Lauderdale **DMA** to modify the WEYS market to exclude cable systems in Broward and Dade Counties. You state that in one of the Cable Service's Bureau's decisions, *In re Dynamic Cablevision of Florida, Ltd., Memorandum Opinion and Order*, 11 FCC Rcd 21090 (1996), the Cable Services Bureau suggested that WEYS seek a modification of its regulatory fee. You also state that Broward and Dade Counties represent over 95 percent of the **TV** households in the Miami-Ft. Lauderdale DMA, while Monroe County accounts for approximately 36,000 television households. You submit that fundamental fairness dictates that WEYS be treated as a remaining market station for purposes of assessing regulatory fees in light of the Commission's severe reduction of its market. You also state that paying the full regulatory fee assessed to a full power television station in this DMA would pose a significant hardship on WEYS, since as a result of the limitation on the size of the market, the ability of WEYS to generate revenues has been dramatically reduced.

Mr. Robert Goldstein

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The Commission has set standards for determining whether regulatory fees for a television station may be reduced below the fees assessed for stations in the relevant DMA. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995). The Commission will reduce fees for television stations having certain characteristics. *Id.* Such a station may not be an affiliate of a major network, must be located outside the metropolitan area of the principal city in the assigned DMA, and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas. *Id.* Stations that meet this criteria and request fee reduction will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the top 100<sup>th</sup> market will be assessed the regulatory fee for remaining market stations. *Id.*

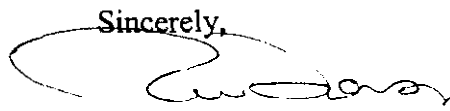
We note that WEYS is located outside of Miami, the principal city in the assigned DMA and, according to the *2001 Broadcasting & Cable Yearbook*, WEYS is an independent station. The *2001 Broadcasting & Cable Yearbook* also indicates that WEYS served 650,000 of the 1,468,630 television households in its DMA. This figure best equates with the number of television households in the 39<sup>th</sup> market. Therefore, your request for reduction of the FY 2002 regulatory fee is granted to the extent of the difference between the fee for a station in markets 11 to 25 and the fee for a station in markets 26 to 50.

For purposes of regulatory fee assessment in subsequent years, and absent significant changes in the factual situation, WEYS will not be treated as a station in the Miami DMA. WEYS will be required to submit the regulatory fee for the market with the number of television households closest to, but not lower than, the latest available figures for WEYS as reported in the *TV & Cable Factbook* or *Broadcasting & Cable Yearbook*. You should note that WEYS is under a continuing obligation to report to the Commission any changes that could affect its qualification for regulatory fee reduction, such as change in network affiliation, service area, or population coverage. WEYS should retain this letter and submit a copy of it with any future correspondence with the Commission concerning the regulatory fee for WEYS.

The correct FY 2002 regulatory fee for WEYS is \$6,600.00. WEYS paid \$1,075.00, leaving a balance due of \$5,525.00. Payment in the amount of \$5,525.00 must be submitted together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. A late charge penalty of 25% will be assessed and due if the Commission does not receive full payment 30 days from the date of this letter.

If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

Enclosure

00000R06-03-041

ASSOC. MNG. DIR.  
FINANCIAL OPERATIONS  
(AMO-FO)

WEYS Television Corp. SEP 25 5 14 PM '02  
2539 North Highway 67  
P.O. Box 348  
Sedalia, CO 80135

RECEIVED

(303)688-5162

Robert Goldstein  
Robert.Goldstein@contact-mco.com

September 24, 2002

**BY OVERNIGHT DELIVERY**

Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, DC 20554  
Attention: Regulatory Fee Waiver/Reduction Request

RE: Request for Partial Waiver of 2002 Regulatory fee  
WEYS (TV), Key West, FL  
Facility ID: 72053

Dear Managing Director:

The Commission is requested to partially waive the 2002 regulatory fee for WEYS (TV), Key West, FL due to the compelling nature of this case. "The Commission may waive, reduce, or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest." 47 U.S.C. §159(d); see also *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994). on recon, *Memorandum Opinion and Order*, 10 FCC Rcd 12,759, para 12 (1995).

Key West is located in Monroe County, Florida, the least populated of the three counties of the Miami-Ft. Lauderdale DMA. Several cable television systems throughout the Miami-Ft. Lauderdale DMA previously filed Petitions for Special Relief with the Cable Services Bureau asking that the market of television station WEYS be modified to exclude the communities served by the petitioning cable systems (which include a significant majority of the Miami and Ft. Lauderdale television households). The Cable Services Bureau granted that request and modified the WEYS market to exclude cable systems in Broward and Dade Counties. *In re Adelphia Cable Partners, L.P., Memorandum Opinion and Order*, 12 FCC Rcd 4083 (1996); *In re Rifkin/Narragansett South Florida, Memorandum Opinion and Order*, 11 FCC Rcd 21090 (1996); *In re Dynamic Cablevision of Florida, Ltd., Memorandum Opinion and Order*, 11 FCC Rcd 9880 (1996). WEYS unsuccessfully challenged the modification of WEYS' market in Federal Court. In *Dynamic Cablevision of Florida, Ltd.*, the Cable Services Bureau suggested that WEYS seek a modification of the regulatory fee. *In re Dynamic Cablevision of Florida, Ltd.*

**Memorandum Opinion and Order.** 11 FCC Rcd 9880, para 23 (1996).

The Miami-Ft. Lauderdale DMA is the fifteenth (15<sup>th</sup>) largest television market in the United States and is heavily cabled, with cable television serving almost 75% of the households in the DMA. Furthermore, Broward and Dade Counties represent over 95% of the TV Households in the Miami-Ft. Lauderdale DMA, while Monroe County accounts for only approximately 36,000 television households. Thus, in allowing the market modification, the Commission effectively turned WEYS into a remaining market station.

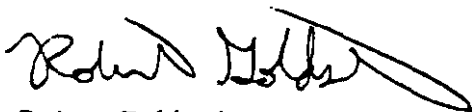
The public interest would be served by reducing the regulatory fee required to be paid by WEYS. Regulatory fees are based, in large part, on the size of the market served by the assessed station. WEYS submits that fundamental fairness dictates that WEYS be treated as a remaining market station for purposes of assessing regulatory fees in light of the Commission's severe reduction of its market—it would simply be unfair and inappropriate for the Commission to charge WEYS as a major market station, on the same footing as major network affiliates in Miami, yet exclude access to the vast majority of the television households in the assigned DMA. Burdening WEYS with regulatory fees appropriate for the Miami-Ft. Lauderdale DMA, while, at the same time, preventing it from enjoying the full benefit of being in that DMA would appear to be against public policy and fair practice.

Additionally, the regulatory fee for a full power television station in this DMA is normally Ten Thousand Three Hundred Dollars (\$10,300), a payment that would pose a significant hardship on WEYS. As a result of the limitation on the size of its market, the ability of WEYS to generate revenues has been dramatically reduced.

WEYS has submitted the fee appropriate for remaining market commercial UHF stations: the remaining markets most closely resemble WEYS' market as determined by the Commission in excluding cable systems in Broward and Dade Counties. Attached is a copy of the Remittance Advice (FCC Form 159) and a check made payable to the FCC in the amount of One Thousand Seventy-Five Dollars (\$1,075) that have been filed at the Mellon Bank.

If you have any questions or concerns, please feel free to contact me at (720) 746-1996 or (303) 688-5162.

Respectfully Submitted.



Robert Goldstein  
General Counsel

RECEIVED

SEP 25 5 14 PM '02

ASSOC. MNG. DIR.  
FINANCIAL OPERATIONS  
(101-50)

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

ASSOC. MFG. DIR.  
FINANCIAL OPERATIONS  
(7MB-F0)

Approved by OMB  
3060-0589  
Page No. 1 of 1

(1) LOCKBOX # 358835

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

TVHole Com Corp.

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)  
\$1,075.00

(4) STREET ADDRESS LINE NO. 1

P.O. Box 348

(5) STREET ADDRESS LINE NO. 2

2539 North Highway 67

(6) CITY

Sedalia

(7) STATE

CO

(8) ZIP CODE

80135

(9) DAYTIME TELEPHONE NUMBER (include area code)

(303) 688-5162

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION-NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0003-7496-94

(12) PAYER (TIN)

084-1507634

IF PAYER NAME AND T M APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B

IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

WEYS Television Corp.

(14) STREET ADDRESS LINE NO. 1

P.O. Box 348

(15) STREET ADDRESS LINE NO. 2

(16) CITY

Sedalia

(17) STATE

CO

(18) ZIP CODE

80135

(19) DAYTIME TELEPHONE NUMBER (include area code)

(303) 688-5182

(20) COUNTRY CODE (if not in U.S.A.)

ER (FRN)

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

(24A) PAYMENT TYPE CODE

0263

(25A) QUANTITY

(27A) TOTAL FEE

\$1,075.00

FCC USE ONLY

\$1,075.00

FCC CODE 1

72053

(29A) FCC CODE 2

FL, Key West

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

(30) CERTIFICATION STATEMENT

I, Robert Goldstein

certify under penalty of perjury that the foregoing and supporting information is true and correct.

SIGNATURE

DATE

EXPIRATION  
DATE:

SIGNATURE

DATE

# Payment Transactions Detail Report

Date: 11/07/2002

BY: FEE CONTROL NUMBER

| Fee Control<br>Number | Payor<br>Name   | Fcc Account<br>Number | Payer<br>TIN            | Received<br>Date    |                         |                      |                  |              |                  |               |                 |
|-----------------------|---|-----------------------|-------------------------|---------------------|-------------------------|----------------------|------------------|--------------|------------------|---------------|-----------------|
| 0209258835405002      | NHOLA COM CORP<br>PO BOX 348<br>2539 NORTH HIGHWAY 67<br>SEDALIA CO 80135 | WP00038178            | 0841507634              | 11/24/2002 00:00:00 |                         |                      |                  |              |                  |               |                 |
| Payment<br>Amount     | Current<br>Balance  | Seq<br>Num            | Payment<br>Type<br>Code | Quantity            | Callsign<br>Other<br>Id | Applicant<br>Name    | Applicant<br>Zip | Bad<br>Check | Detail<br>Amount | Trans<br>Code | Payment<br>Type |
| \$1,075.00            | \$1,075.00  | 1                     | 0263                    | 1                   | WEYS                    | WEYS TELEVISION CORP | 80135            |              | \$1,075.00       | 1             | PMT             |
| Total                 | 1   |                       |                         |                     |                         |                      |                  |              | \$1,075.00       |               |                 |